

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA

V.

NO. 3:23-CR-61-KHJ-LGI

MARCUS DELARS BRANSON

ORDER

Before the Court is Defendant Marcus Branson's [19] Motion to Dismiss. The Court denies the motion.

Branson has a 2018 conviction for bank robbery. *See id.* at 1 (citing *United States v. Branson*, No. 6:18-CR-8 (W.D. Tex.)). In 2023, while Branson was on supervised release for that offense, a probation officer found two handguns and ammunition in Branson's home. *Id.*

The [1] Indictment charges Branson with knowingly violating 18 U.S.C. § 922(g)(1), which prohibits a person from possessing a firearm in or affecting commerce if he "has been convicted in any court of[] a crime punishable by imprisonment for a term exceeding one year." *See also id.* § 924(a)(8) (providing that a knowing violation is punishable by up to 15 years of imprisonment). Branson moves to dismiss the Indictment, arguing that Section 922(g)(1) is unconstitutional as applied to him. [19] (citing *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022)).

Addressing a similar challenge, this Court concluded that it remains bound by pre-*Bruen* Fifth Circuit precedents upholding Section 922(g)(1). *See* Order [45], *United States v. Brown*, No. 3:18-CR-117 (S.D. Miss. Mar. 12, 2024). Branson’s motion does not acknowledge those circuit precedents. *See* [19]. And defense counsel did not file a reply, let alone address the United States’ argument that “Fifth Circuit precedent forecloses [Branson’s] Second Amendment claim.” *See* [20] at 2–5 (cleaned up). The Court thus reaches the same conclusion that it did in *Brown*. The Court incorporates that holding and Order by reference. *See* Order [45], *Brown*, No. 3:18-CR-117.

The Court has considered all arguments. Those not addressed would not have changed the outcome. For the stated reasons, the Court DENIES Defendant Marcus Branson’s [19] Motion to Dismiss.

SO ORDERED, this 13th day of March, 2024.

s/ *Kristi H. Johnson*
UNITED STATES DISTRICT JUDGE